

**CITY OF PHILLIPSBURG  
CITY COUNCIL MEETING  
June 5, 2017**

The Phillipsburg City Council met in regular session on June 5, 2017, 6:00 P.M., at the Phillipsburg City Office, 945 Second Street.

**CALL TO ORDER** In the absence of the Mayor and Council President, the meeting was called to order by Council member Rod Innes.

**ATTENDANCE** **PRESENT:** Council members Donna Speake; Travis Stites; Rod Innes; Lynette Voorhees; Pete Rogers.

**ABSENT:** Council member Mike James and Mayor Pat Hewitt.

**ALSO PRESENT:** Scott Sage, City Attorney; Tim Driggs, Public Works Supervisor; Kirby Ross, reporter Phillips County Review; Tim & Shawn Ellenberger; Angie Wells; Thaniel Monaco; Brandi Shelton; Wes & Cheryl Hall; Dan Price; Harlan Nonhof; Ron Lower; Brenda Chance, City Clerk.

**ENCORE LIVING WALKING PROGRAM** Wes Hall, representing Encore Living, provided information to the Council concerning the walking program the group is in the preliminary stages of developing. The group would like the city to repair sidewalks and put in walking trails. Discussion was also held concerning applying for grants thru the city.

Halls & Nonhof left at 6:11 p.m.

**POUND PLUNGE** Brandi Shelton, representing Phillips County Health Department, requested the Council provide a discount to participants for the therapy pool or season pass. She also requested a discount for renting the pool for a party for the participants. Moved by Stites, seconded by Speake, to provide a ½ price punch ticket for the therapy pool for Pound Plunge participants and ½ price pool party at the end of the season. Voting Aye: ALL. Opposed: NONE.

Shelton left the meeting at 6:20 p.m.

Ryan Moffatt & Kelly Grismore arrived at 6:20 p.m.

**ARMORY USE BIKE & BUILD** Angie Wells presented information from Pastor Lee asking for the city to waive the armory rental fee to allow Bike & Build riders to spend the night of June 29<sup>th</sup> at the armory. Moved by Voorhees, seconded by Rogers, to waive the fees for June 29<sup>th</sup> and 30<sup>th</sup>. Voting Aye: ALL. Opposed: NONE.

**CVB BARN QUILT PROJECT** Angie Wells provided the Council with information concerning the Convention and Visitors Bureau barn quilt project. She asked the Council to design a barn quilt that depicts Phillipsburg so it can be on the tour map.

Mayor Pat Hewitt arrived at 6:30 p.m.

Wells left the meeting at 6:37 p.m.

**STATE ST KDOT PROJECT** Thaniel Monaco, representing BG Consultants, updated the Council concerning the paving project application submitted to the Kansas Department of Transportation for

improvements on State Street. A site visit was held. Discussion was held concerning the possibility of removing the sewer line replacement portion of the project but continuing the water main replacement. The City will have a \$150,000 match. Discussion was held concerning the use of the Water Revolving Loan Fund.

Sheriff Charlie Radabaugh arrived at 6:46 p.m.  
Monaco left the meeting at 6:55 p.m.

**LIBRARY  
BUDGET**

Ryan Moffatt, representing the Library Board, presented the proposed 2018 library budget. Discussion was held about the library building roof. Driggs will check roof warranty information.

**POOL PARTY  
SUMMER  
READING  
PROGRAM**

It was the consensus of the Council to allow the Library to utilize the swimming pool June 27<sup>th</sup>, noon-1:00 p.m., for a pool party for the summer reading participants. They will also utilize the armory for a lunch or snacks. All pool rules will apply including the need for a parent or guardian to be present for underage children.

Miles & Grismore left the meeting at 7:05 p.m.

**2018 LAW  
ENFORCEMENT  
CONTRACT**

Sheriff Radabaugh and the Council discussed the law enforcement contract and the 2018 rate. Discussion was also held concerning the Sheriff's Department no longer providing service of code enforcement notices for the city. Moved by Rogers, seconded by Voorhees, to increase the contract 3% (\$8,600/year) for 2018. Voting Aye: ALL. Opposed: NONE.

Radabaugh and Stites left the meeting at 7:42 p.m.

**MINUTES  
APPROVED**

Moved by Innes, seconded by Voorhees, to approve the May 1, 2017 meeting minutes as written. Voting Aye: ALL. Opposed: NONE.

**APPROPRIATION  
ORDINANCE  
1055-05-17A&B**

Moved by Rogers, seconded by Voorhees, to approve the ordinances to pay the bills for the month of May. Voting Aye: ALL. Opposed: NONE. Statutory majority having voted for this ordinance; the city clerk assigned it ordinance #1055-05-17A and #1055-05-17B.

**RESOLUTION  
#245  
SONIC  
ANNEXATION**

The following resolution was presented:

**A RESOLUTION OF THE CITY OF PHILLIPSBURG, KANSAS, REQUESTING THE PHILLIPS COUNTY COMMISSIONERS APPROVE THE ANNEXATION OF LAND NOT ADJOINING THE CITY AS PROVIDED FOR IN K.S.A. 12-520c.**

WHEREAS, Sonic Restaurants, Inc., an Oklahoma corporation, is the legal owner of the following described real estate located in Phillips County, Kansas, to-wit:  
A tract of land located in the Northwest Quarter of the Northwest Quarter (NW/4-NW/4) of Section Thirty-Six (36), Township Three (3) South, Range Eighteen (18) West, Phillips County, State of Kansas, being more particularly described as follows:

Commencing at the Northeast corner of the NW/4-NW/4 of said Section 36; Thence S0°10' 04"E along the East line of said NW/4-NW/4 a distance of 96.20 feet to a point on the South Right -of-Way line of State Highway #36; Thence S88°55'50"W along the South Right-of-Way line of said State of Highway #36 a distance of 300.00 feet to the

POINT OF BEGINNING; Thence S00°10'04"E a distance of 200.00 feet; Thence S89°49'56"W a distance of 163.00 feet; thence N00°10'04"W a distance of 202.91 feet to a point on the South Right-of-Way line of State Highway #36; Thence S85°51'55"E along the South Right-of-Way line of said State Highway #36 a distance of 60.38 feet; Thence N88°55'50"E along the South Right-of-Way line of said State Highway #36 a distance of 102.80 feet to the POINT OF BEGINNING. And;

WHEREAS, a consent for annexation into the City of Phillipsburg for the above described real estate has been signed by Sonic Restaurants Inc., by Senior Vice President, Andrew G. Ritger, and notarized by Marsha Orr, Oklahoma Notary Public, on April 13, 2017 attached hereto and incorporated herein by reference; and,

WHEREAS, the property described above is located in Phillips County, Kansas, and the Governing Body of the City of Phillipsburg deems it advisable to annex said real estate into the Phillipsburg City Limits; and,

THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF PHILLIPSBURG, KANSAS, that the City of Phillipsburg requests the Board of County Commissioners, Phillips County, Kansas, make a finding and determination as required under K.S.A. 12-520c subsection (a) (3) that the annexation of the above described real estate will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Phillips County, Kansas.

Moved by Speak, seconded by Innes, to adopt the resolution requesting the Phillips County Commissioners approve the annexation of land not adjoining the City as provided by K.S.A. 12-520c. Statutory majority having voted for this resolution; the city clerk assigned it Resolution #245.

RESOLUTION  
#246  
467 6<sup>th</sup> STREET  
DANGEROUS  
STRUCTURE

The following resolution was presented:

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED ON LOT 3, BLOCK 3, RANGE 6, BISSELLS ADDITION TO THE CITY OF PHILLIPSBURG, KANSAS, COMMONLY KNOWN AS 467 SIXTH STREET, PHILLIPSBURG, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REMOVED AND THE PREMISES MADE SAFE AND SECURE.

WHEREAS, the Enforcing Officer of the City of Phillipsburg, Kansas, did on the 20<sup>th</sup> day of February, 2017, file with the governing body of said City a statement in writing that a certain structure, hereinafter described, was unsafe and dangerous, and

WHEREAS, the governing body did by Resolution dated the 6<sup>th</sup> day of March, 2017, fix the time and place of a hearing at which the owner, his or her agent, any lienholders of record and any occupant of such structure could appear and show cause why such structure should not be condemned and ordered repaired or demolished, and provided for giving notice thereof as provided by law; and

WHEREAS, such Resolution was published in the official city paper on the 15<sup>th</sup> day of March, 2017, and on the 22<sup>nd</sup> day of March, 2017, and a copy of such Resolution was served on all persons entitled thereto in all respects as provided by law; and

WHEREAS, on the 1<sup>st</sup> day of May, 2017, the governing body heard all evidence submitted by the enforcing officer of the City. The owners, agents, lienholders and occupants of such structure appeared.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF PHILLIPSBURG, KANSAS:

That said governing body hereby finds that the structure located on Lot 3, Block 3, Range 6, Bissells Addition to the City of Phillipsburg, Kansas, commonly known as 467 Sixth Street, Phillipsburg, Kansas, is unsafe and dangerous and hereby directs such structure to be removed and the premises made safe and secure. The owner or owners of such structure are hereby given 120 days from the date of publication of this Resolution within which to commence the removal of such structure, such removal to be completed within 60 days, and if such owners fail to commence the removal of such structure within the time stated or fail to diligently prosecute the same until the work is completed, said governing body will cause the structure to be razed and removed and the costs of such razing and removing, less salvage if any, to be assessed as a special assessment against the lot or parcel of land upon which the structure is located as provided by law.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this Resolution to be published once in the official city paper and a copy mailed to the owners, agents, lienholders and occupants as provided by law.

Moved by Innes, seconded by Rogers, to adopt a resolution finding that the structure located on Lot 3, Block 3, Range 6, Bissells Addition to the City of Phillipsburg, Kansas, commonly known as 467 Sixth Street, Phillipsburg, Kansas, is unsafe or dangerous and directing the structure to be removed and the premises made safe and secure. Voting Aye: ALL. Opposed: NONE. Statutory majority having voted for this resolution; the city clerk assigned it Resolution #246.

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| HANSEN INTERN    | More information will be obtained concerning the Hansen Intern program.  |
| FHSU TRAINING    | A gift certificate for additional training was received by Chance from the FHSU Management Development Center. Chance will work with the Phillips County Community Foundation and Chamber to possibly provide additional training for the community.                       |
| POOL CONCESSIONS | The attached chart, which is made a part of these minutes, was presented for pool concession costs and prices for items sold. Moved by Voorhees, seconded by Speake, to approve the 2017 pool concession price list. Voting Aye: ALL. Opposed: NONE.                       |
| BCBS             | Chance will serve on the BCBS Healthy Pathways site visit committee.   |
| PUBLIC WORKS     | Driggs reported on activities of the public works department.  |
| TYRELL CLAIM     | A claim from Tom Tyrell requesting payment for damage to his car that was received while driving by the mower in the cemetery was reviewed. It was the consensus of the Council to deny the claim at this time and recommend he submit the claim to his insurance company. |

ORD #1403  
SERVICE FEES

Moved by Innes, seconded by Voorhees, to adopt an ordinance amending Section 15-304 of Ordinance 1384, which pertains to service connection fees; and repealing Section 15-304 of Ordinance 1384, as originally adopted. Voting Aye: ALL. Opposed: NONE. Statutory majority having voted for this ordinance; the city clerk assigned it ordinance #1403.

RESOLUTION  
#247  
WASTEWATER  
RATES  
07/01/2017

The following resolution was introduced:

RESOLUTION ADOPTING SEWERAGE SYSTEM RATES FOR THE CITY OF PHILLIPSBURG, KANSAS.

WHEREAS, the Code of the City of Phillipsburg, Kansas adopted on November 18, 2013, states appropriate service charges, based on residency in volume used, shall be set by resolution or policy of the Governing Body;

WHEREAS, the user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and costs associated with debt retirement of banded capital associated with finance the treatment works which the city may by ordinance designate to be paid by the user charge system;

WHEREAS, the existing wastewater rates set by Resolution #229, adopted on March 21, 2016, are no longer providing adequate income for the sewerage system;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF PHILLIPSBURG, KANSAS AS FOLLOWS:

Section 1: The following will be the sewerage system user rates for the City of Phillipsburg Sewerage System:

Inside City Limits Residential - Single family contributors of less than or equal to normal domestic strength wastewater

\$23.25/month/user plus \$0.30 per 1,000 gallons per month of water used based on the average water consumption per month during the previous winter months of December, January, & February. Multi-family unit will be assessed an additional charge of \$23.25 for each additional residential unit served by one meter per month.

Inside City Limits Light Commercial - Non-residential users or combination of residential and commercial users which contribute less than 8,000 gallons per month of less than or equal to normal domestic strength wastewater

\$24.60/month/user plus \$0.30 per 1,000 gallons per month of water used based on the average water consumption per month during the previous winter months of December, January, & February. Commercial buildings served by one meter with residential units will be assessed an additional charge of \$23.25 per residential unit.

Inside City Limits Medium Commercial - Non-residential users or combination of residential and commercial users which contribute between 8,000 and 100,000 gallons per month of less than or equal to normal domestic strength wastewater

\$40.65/month/user plus \$0.40 per 1,000 gallons per month of water used based on the average water consumption per month during the previous winter months of December, January, & February.

Inside City Limits Heavy Commercial - Non-residential users or combination of residential and commercial users which contribute more than 100,000 gallons per month of less than or equal to normal domestic strength wastewater \$44.15/month/user plus \$0.45 per 1,000 gallons per month of water used based on the average water consumption per month during the previous winter months of December, January, & February or by actual wastewater discharged through a meter.

Inside City Limits Medium Institutional - Public or private schools which contribute less than 500 gallons per student of less than or equal to normal domestic strength wastewater \$.89/month/student plus \$0.40 per 1,000 gallons per month of water used based on the average water consumption per month during the previous winter months of December, January, & February. The minimum charge amount will be \$24.60 per month or by actual wastewater discharged through a meter.

Inside City Limits Heavy Institutional - Hospitals, elderly care homes, hotels and motels which contribute more than 500 gallons per month per bed (for motels and hotels, bed shall denote one unit) of less than or equal to normal domestic strength wastewater \$3.11/month/bed plus \$0.40 per 1,000 gallons per month of water used based on the average water consumption per month during the previous winter months of December, January, & February.

Outside City Limits Residential - Single family contributors of less than or equal to normal domestic strength wastewater \$34.90/month/user plus \$0.45 per 1,000 gallons per month of water used based on the average water consumption per month during the previous winter months of December, January, & February. Multi-family until will be assessed an additional charge of \$34.90 for each additional residential unit served by one meter per month.

Outside City Limits Light Commercial - Non-residential users or combination of residential and commercial users which contribute less than 8,000 gallons per month of less than or equal to normal domestic strength wastewater \$36.90/month/user plus \$0.45 per 1,000 gallons per month of water used based on the average water consumption per month during the previous winter months of December, January, & February. Commercial buildings served by one meter with residential units will be assessed an additional charge of \$34.90 per residential unit.

Outside City Limits Medium Commercial - Non-residential users or combination of residential and commercial users which contribute between 8,000 and 100,000 gallons per month of less than or equal to normal domestic strength wastewater \$61.00/month/user plus \$0.60 per 1,000 gallons per month of water used based on the average water consumption per month during the previous winter months of December, January, & February.

Outside City Limits Heavy Commercial - Non-residential users or combination of residential and commercial users which contribute more than 100,000 gallons per month of less than or equal to normal domestic strength wastewater  
\$66.25/month/user plus \$0.70 per 1,000 gallons per month of water used based on the average water consumption per month during the previous winter months of December, January, & February or by actual wastewater discharged through a meter.

Outside City Limits Medium Institutional - Public or private schools which contribute less than 500 gallons per month per student of less than or equal to normal domestic strength wastewater  
\$1.34/month/student plus \$0.60 per 1,000 gallons per month of water used based on the average water consumption per month during the previous winter months of December, January, & February. The minimum charge amount will be \$36.90 per month or by actual wastewater discharged through a meter.

Heavy Institutional - Hospitals, elderly care homes, hotels and motels which contribute more than 500 gallons per month per bed (for motels and hotels, bed shall denote one unit) of less than or equal to normal domestic strength wastewater  
\$4.70/month/bed plus \$0.60 per 1,000 gallons per month of water used based on the average water consumption per month during the previous winter months of December, January, & February.

Section 2: This Resolution shall be in full force and effect with all sewerage billing after July 1, 2017.

Moved by Rogers, seconded by Voorhees, to adopt the resolution adopting sewerage system rates for the City of Phillipsburg, Kansas. Voting Aye: ALL. Opposed: NONE. Statutory majority having voted for this resolution; the city clerk assigned it Resolution #247.

EVALUATION	The city clerk evaluation will be at the next meeting.
INSPECTION	The wastewater inspection report was reviewed.
ADJOURN	Moved by Speake, seconded by Voorhees, to adjourn time – 8:07 p.m.

Brenda L. Chance  
Brenda L. Chance, City Clerk